



10-10-00

17133/02/US

Sector #  
Box Seg  
*AZ*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

LASSNER, ET AL.

SERIAL NUMBER: 09/549,848

FILED: APRIL 14, 2000

TITLE: NUCLEIC ACID SEQUENCES TO  
PROTEINS INVOLVED IN  
TOCOPHEROL SYNTHESSES

GROUP ART UNIT: NOT ASSIGNED

EXAMINER: NOT ASSIGNED

DATE: OCTOBER 5, 2000

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

Applicants received a Notice To File Missing Parts dated June 12, 2000 (copy attached), indicating that the filing fee was missing, the oath or declaration was missing and the sequence listing was missing. Applicants attach hereto an Oath, formatted Sequence Listing and a copy of the Sequence Listing on computer readable form.

The Sequence Listing in Written Form, already furnished to this Authority, does not go beyond the disclosure in the international application as filed. No new matter have been added.

- Oath
- Sequence listing
- Computer readable diskette
- Fee Authorization

Applicants conditionally petition for an Extension of Time to provide for the timely filing of the enclosed corrected sheets, if an extension of time is required after all papers filed with this transmittal have been considered.

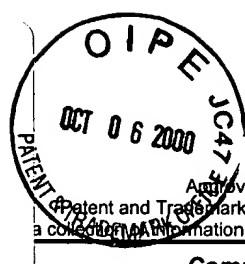
The Commissioner is hereby authorized to charge any fees related to the filing of these documents to Charge No. 13-4125.

Respectfully submitted,

Brian K. Stierwalt  
Patent Attorney  
Registration No. 33,213  
314-694-9092 St. Louis

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks; Washington, D.C. 20231  
Express Mail No.: E1698848829US  
Name: Nicole M. Pendleton  
Date: 10/6/00

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks; Washington, D.C. 20231  
 Express Mail No.: EL6988488294S  
 Name: Michael M Lassner  
 Date: 10/16/00



Approved for use through 09/30/98. OMB 0651-0032  
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 a component of the U.S. Government. Information unless it displays a valid OMB control number.

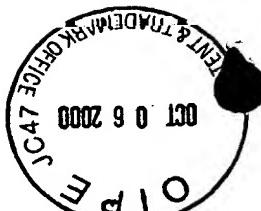
**Complete if Known**

Application Number	09/549,848
Filing Date	April 14, 2000
First Named Inventor	Michael Lassner
Group Art Unit	Not Assigned
Examiner Name	Not Assigned
TOTAL AMOUNT OF PAYMENT	(\$1314.00)
	Attorney Docket Number

**FEE TRANSMITTAL**

<b>METHOD OF PAYMENT</b> (check one)		<b>FEES CALCULATION (continued)</b>																																																																																																																																																																													
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  Deposit Account Number <u>13-4125</u>  Deposit Account Name Monsanto Company		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Entity Fee (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td><u>130.00</u></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing or cover sheet.</td><td>_____</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td>_____</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td>_____</td></tr> <tr><td>112</td><td>920</td><td>112</td><td>920</td><td>Requesting publication of SIR prior to Examiner action</td><td>_____</td></tr> <tr><td>113</td><td>1,840</td><td>113</td><td>1,840</td><td>Requesting publication of SIR after Examiner action</td><td>_____</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for response within first month</td><td><u>110.00</u></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for response within second month</td><td>_____</td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for response within third month</td><td>_____</td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for response within fourth month</td><td>_____</td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td>_____</td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td>_____</td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td>_____</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td>_____</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive unavoidably abandoned application</td><td>_____</td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive unintentionally abandoned application</td><td>_____</td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td>_____</td></tr> <tr><td>143</td><td>440</td><td>243</td><td>230</td><td>Design issue fee</td><td>_____</td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td>_____</td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td>_____</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td>_____</td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td>_____</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td>_____</td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td>_____</td></tr> <tr><td>149</td><td>710</td><td>249</td><td>353</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td>_____</td></tr> <tr> <td colspan="4">Other fee (specify) _____</td> <td>SUBTOTAL (3)</td> <td>(\$ <u>240.00</u>)</td> </tr> <tr> <td colspan="6">* Reduced by Basic Filing Fee Paid</td> </tr> </tbody> </table>						Large Entity Fee Code (\$)	Entity Fee (\$)	Small Entity Fee Code (\$)	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	<u>130.00</u>	127	50	227	25	Surcharge - late provisional filing or cover sheet.	_____	139	130	139	130	Non-English specification	_____	147	2,520	147	2,520	For filing a request for reexamination	_____	112	920	112	920	Requesting publication of SIR prior to Examiner action	_____	113	1,840	113	1,840	Requesting publication of SIR after Examiner action	_____	115	110	215	55	Extension for response within first month	<u>110.00</u>	116	390	216	195	Extension for response within second month	_____	117	890	217	445	Extension for response within third month	_____	118	1,390	218	695	Extension for response within fourth month	_____	119	310	219	155	Notice of Appeal	_____	120	310	220	155	Filing a brief in support of an appeal	_____	121	270	221	135	Request for oral hearing	_____	138	1,510	138	1,510	Petition to institute a public use proceeding	_____	140	110	240	55	Petition to revive unavoidably abandoned application	_____	141	1,240	241	620	Petition to revive unintentionally abandoned application	_____	142	1,240	242	620	Utility issue fee (or reissue)	_____	143	440	243	230	Design issue fee	_____	144	600	244	300	Plant issue fee	_____	122	130	122	130	Petitions to the Commissioner	_____	123	50	123	50	Petitions related to provisional applications	_____	126	240	126	240	Submission of Information Disclosure Stmt	_____	581	40	581	40	Recording each patent assignment per property (times number of properties)	_____	146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	_____	149	710	249	353	For each additional invention to be examined (37 CFR 1.129(b))	_____	Other fee (specify) _____				SUBTOTAL (3)	(\$ <u>240.00</u> )	* Reduced by Basic Filing Fee Paid					
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SUBMITTED BY		Complete (if applicable)			
Typed or Printed Name	Brian K. Stierwalt	Reg. Number	33,213		
Signature		Date	September 6, 2000	Deposit Acct. User ID	13-4125



## FORMALITIES LETTER

\*OC00000005236490\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

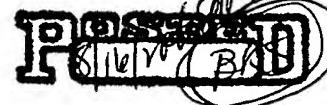
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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09/549,848

04/14/2000

Michael Lassner

17133/02/US



Calgene LLC  
1920 Fifth Street  
Davis, CA 95616

Date Mailed: 07/12/2000  
*9/12/00*

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$390.  
 \$234 for 13 total claims over 20.  
 \$156 for 2 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):
  - The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
- - For Technical Assistance, call (703) 287-0200
- - To Purchase PatentIn Software, call (703) 306-2600

- The balance due by applicant is \$ 1210.

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01	FB:101
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01	FC:115
01	FB:83
01	FC:85

7/12/00 9:30 AM

*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY